

REMARKS

Claim 1-8 and 10-34 are currently pending.

The Examiner has indicated that claims 2-8, 10-27 and 29-34 are allowable, if rewritten in independent form. The Examiner is thanked for this indication, but applicant maintains the patentability of the base claims 1 and 28.

Claims 1 and 28 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over (1) claim 7 of copending Application No. 11/034,060 and (2) claims 1, 14, and 36 of copending Application No. 09/954,064. These are the only outstanding rejections.

Applicants include herewith a terminal disclaimer disclaiming the terminal part of the statutory term of any patent that issues from Application No. 09/954,064. Accordingly, the double patenting rejection based on Application No. 09/954,064 should be withdrawn.

Accordingly, the only remaining rejection is a double patenting rejection based on Application No. 11/034,060.

The present application (Application No. 09/714,514) has an effective filing date of April 26, 2000. Application No. 11/034,060 has an effective filing date of January 22, 2004.

Thus, the present application is the earlier filed application with regard to Application No. 11/034,060. Application No. 11/064060 has not yet been examined. Thus, according to MPEP § 804.I.B.1, the Examiner should withdraw the double patenting rejection for the earlier-filed application (the present application) and permit the earlier-filed application (the present application) to issue as a patent without a terminal disclaimer.

Accordingly, the Examiner is respectfully requested to withdraw the double patenting rejections and allow the presently claimed invention.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully requested to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,
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